

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION**

**: MULTIDISTRICT
: LITIGATION**

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***THIS DOCUMENT APPLIES TO:*
All Indirect Purchaser Actions**

No. 08-md-2002

ORDER

AND NOW, this 23rd day of October 2016, upon consideration of the defendants' letter to the Court dated October 20, 2017, the IPP letter to the Court dated October 20, 2017, the conference call held with all parties on October 16, 2017, and the following docket numbers:

(1) Certain Defendants' Motion for Summary Judgment against Indirect Purchaser Plaintiffs on Damages (Doc. Nos. 1241, 1266, 1285, 1286, 1287, 1307);

(2) Indirect Purchaser Plaintiffs' Motion for Partial Summary Judgment on Defendants' Cooperative and Agricultural Marketing Affirmative Defenses Pled Under State Law (Doc. Nos. 1240, 1247, 1248, 1259, 1311);

(3) Defendants' Motion for Summary Judgment on Count XIV of the Fifth Amended Complaint (Claims under New York Law) (Doc. Nos. 1237, 1261, 1297);

(4) Defendants' Motion for Summary Judgment on Count III of the Fifth Amended Complaint (Claims under California Law) (Doc. Nos. 1235, 1260, 1296); and

(5) the Moark Massachusetts Motion (no pre-suit notice) (Doc. Nos. 1236, 1264, 1298);

it is hereby **ORDERED** the following Motions for Summary Judgment are **DENIED** without prejudice:

(1) Certain Defendants' Motion for Summary Judgment against Indirect Purchaser Plaintiffs on Damages (Doc. No. 1241);

(2) Indirect Purchaser Plaintiffs' Motion for Partial Summary Judgment on Defendants' Cooperative and Agricultural Marketing Affirmative Defenses Pled Under State Law (Doc. No. 1240);

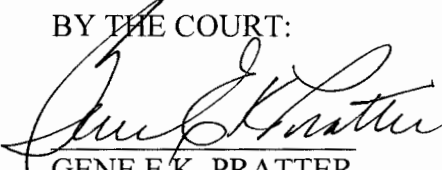
(3) Defendants' Motion for Summary Judgment on Count XIV of the Fifth Amended Complaint (Claims under New York Law) (Doc. No. 1237);

(4) Defendants' Motion for Summary Judgment on Count III of the Fifth Amended Complaint (Claims under California Law) (Doc. No. 1235); and

(5) the Moark Massachusetts Motion (no pre-suit notice) (Doc. No. 1236)

The parties may refile IPP Summary Judgment motions with leave of Court after the resolution of the DPP and DAP cases.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE